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EXAMINER

NOORISTANY, SULAIMAN

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/529,577	Applicant(s) LEPPANEN ET AL.	
	Examiner SULAIMAN NOORISTANY	Art Unit 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 11-17, 19, 21-25 and 27-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 11-17, 19, 21-25 and 27-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/30/2005, 10/17/2006, 7/23/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This Office Action is response to the application (10/529577) filed on 23 July 2008.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a), which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11-17, 19, 21-25, 27-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mathis** U.S Patent No. **US 6993327** in view of **Sylvain** U.S Patent App. No. **US 2004/0062383** further in view of **Philonenko** U.S Patent App. No. **US 2003/0009530**.

Regarding claim 1, Mathis teaches wherein a communication system comprising:

a memory configured to store presence information associated with at least one user (**Fig. 1, unit 102 – The client devices 102, 104, 106, 108 and the server 112 each include a processor for general operation of the server and a memory for storage of applications and data – col. 3, lines 13-26**). However, Mathis does not explicitly teach *identifying an application for which said at least one part is intended*.

Sylvain teaches that is well known by having method for identifying an application for which said at least one part is intended (**the profile will typically identifying**

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devices and their respective states to monitor, provide rules for evaluating the state information to generate the presence information, and identify individuals, system, or application authorized to receive information – [0035]) in order to make the system more efficient wherein to make the present invention relates to communications, and in particular to providing presence information bearing on the availability of a one party to another party ([0001]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mathis's invention by utilizing the presence applications will subscribe to the presence server to receive status updates for one or more users via the subscriber management logic. Based on the subscription, the presence server will receive state information from the various devices, evaluate the state information to generate presence information using rules in the rules management logic, and deliver the presence information to the subscribing presence application. Since the onset of voicemail, people have experienced the phenomenon of "telephone tag" wherein a called party is met with a busy signal or forced into voicemail upon trying to return a call. As is often the case, the called party will leave the original caller a telephone message, and when the original caller tries to return the returned call, the original called party is either on the telephone or no longer available to talk. These iterative and futile attempts to establish voice communications are often time-consuming and frustrating. Thus, there is a need to allow parties to determine the availability of another party and determine when to place a call based on such availability, as taught by Sylvain ([0002]).

However, Sylvain does not explicitly teach *a processor configured to provide to at least one entity presence information associated with said at least one user, said at least one entity comprising at least one application and said at least one entity being configured to use said information to obtain the at least one part of said presence information for said at least one entity application.*

Philonenko further teaches that is well known that to utilize said presence information comprising a plurality of parts, at least one of said parts comprising information identifying an application for which said at least one part is intended **(identification parameter (member ID number) – [0146]);** and

at least one entity to which presence information associated with said at least one user is provided, said at least one entity comprising at least one application **(entities include agents, clients, machines, and software applications – [0021]),**

said at least one entity being configured to use said information to obtain the at least one part of said presence information intended for said at least one entity application of the at least one entity **(a client may configure as many devices into the system as desired for enabling agent callbacks under a variety of circumstances – [0119])** in order to make this more efficient and providing communication capability using an instant message and presence protocol between members of the communication center including automata of the center [0002].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mathis's invention by utilizing software (application) which is monitoring and reporting application and providing for reporting presence information

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of networked entities in real time. While presence information is flexible and useful for reporting information about agents to clients and about clients to agents, it has occurred to the inventors that there also exists an opportunity for using such a presence protocol for managing the communication center itself in terms of internal policy, and member-to-member communication within the center whether agent-to-agent, machine-to-machine, agent-to-machine, or machine-to-agent. Furthermore, what is clearly needed is system and method that extends the use of an instant message and presence protocol to enable synchronizing of data among members of the communication center team itself and the call center equipment. Such a system and method would economize communication by replacing some of the more complex and traditional telephony software routines, as taught by Philonenko [0017-0018].

Regarding claim 11, Mathis, Sylvain and Philonenko together taught the apparatus as in claims 23 above. Mathis further teaches wherein said at least one user comprises user equipment (**Fig. 1 -- wireless connectivity 118 between the client devices 102, 104, 106, 108 and the server – col. 3, lines 12-30**).

Regarding claim 12, Mathis, Sylvain and Philonenko together taught the server as in claim 1 above. Philoneko further teaches wherein said presence information comprises at least one of the following parts of information:

subscriber status; network status; communication means; contact provided location; network provided location; text; priority; favorite color (**FIG. 5 is a plan view of**

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exemplary agent-side media-interfaces 99 and 101 containing availability status and callback parameters according to an embodiment of the present invention – [0030]; 6, unit 99 and 101).

Regarding claims 13, Mathis, Sylvain and Philonenko together taught the server as in claim 1 above. Mathis further teaches wherein the system operates in accordance with a session initiation protocol (**SIP – [0100]**).

Regarding claims 14, Mathis, Sylvain and Philonenko together taught the server as in claims 1 above. Mathis further teaches wherein said part of information comprises a tuple (**Fig. 11, unit 1107 – Tuples – [0178]**).

Regarding claims 15, Mathis and Philonenko together taught the server as in claim 1 above. Mathis further teaches wherein said tuple comprises; Philonenko further teaches wherein information identifying said user and said application identifying information (**every client subscribing to the system of the present invention is provided with at least an identification parameter (member ID number) – [0146]**).

Regarding claims 16, Mathis, Sylvain and Philonenko together taught the server as in claim 1 above. Philonenko further teaches wherein said processor is configured to receive a request from said entity for only one or more parts of said presence information processed by one or more applications of said entity (**FIG. 3 is a flow**

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diagram illustrating client and system procedural steps for practicing communication-center presence reporting according to an embodiment of the present invention – [0030]).

Regarding claims 17, Mathis, Sylvain and Philonenko together taught the server as in claim 1 above. Philonenko further teaches wherein said server comprises a filter to provide only the requested parts of said presence information. **(filtering status information that closely matches a user request – [0056]).**

Regarding claim 19, Mathis, Sylvain and Philonenko together taught the server as in claim 1 above. Philonenko further teaches wherein said server comprises a filter to provide only the requested parts of said presence information. **(filtering status information that closely matches a user request – [0056]).**

Regarding claim 21, Mathis teaches wherein a method comprising:

receiving at least a portion of presence information associated with a user **(an IM server to send a single copy of a message that includes presence information to multiple client devices that want to receive the presence information – col. 3, lines 1-6).**

However, Mathis does not explicitly teach *identifying an application for which said at least one part is intended*.

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Sylvain teaches that is well known by having method for identifying an application for which said at least one part is indented **(the profile will typically identifying devices and their respective states to monitor, provide rules for evaluating the state information to generate the presence information, and identify individuals, system, or application authorized to receive information – [0035])** in order to make the system more efficient wherein to make the present invention relates to communications, and in particular to providing presence information bearing on the availability of a one party to another party ([0001]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mathis's invention by utilizing the presence applications will subscribe to the presence server to receive status updates for one or more users via the subscriber management logic. Based on the subscription, the presence server will receive state information from the various devices, evaluate the state information to generate presence information using rules in the rules management logic, and deliver the presence information to the subscribing presence application. Since the onset of voicemail, people have experienced the phenomenon of "telephone tag" wherein a called party is met with a busy signal or forced into voicemail upon trying to return a call. As is often the case, the called party will leave the original caller a telephone message, and when the original caller tries to return the returned call, the original called party is either on the telephone or no longer available to talk. These iterative and futile attempts to establish voice communications are often time-consuming and frustrating. Thus,

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there is a need to allow parties to determine the availability of another party and determine when to place a call based on such availability, as taught by Sylvain ([0002]).

However, Sylvain does not explicitly teach *a processor configured to provide to at least one entity presence information associated with said at least one user, said at least one entity comprising at least one application and said at least one entity being configured to use said information to obtain the at least one part of said presence information for said at least one entity application.*

Philonenko further teaches that is well known that to utilize said presence information comprising a plurality of parts, at least one of said parts comprising information identifying an application for which said at least one part is intended **(identification parameter (member ID number) – [0146]); and**

at least one entity to which presence information associated with said at least one user is provided, said at least one entity comprising at least one application **(entities include agents, clients, machines, and software applications – [0021]),**

said at least one entity being configured to use said information to obtain the at least one part of said presence information intended for said at least one entity application of the at least one entity **(a client may configure as many devices into the system as desired for enabling agent callbacks under a variety of circumstances – [0119])** in order to make this more efficient and providing communication capability using an instant message and presence protocol between members of the communication center including automata of the center [0002].

It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify Mathis's invention by utilizing software (application) which is monitoring and reporting application and providing for reporting presence information of networked entities in real time. While presence information is flexible and useful for reporting information about agents to clients and about clients to agents, it has occurred to the inventors that there also exists an opportunity for using such a presence protocol for managing the communication center itself in terms of internal policy, and member-to-member communication within the center whether agent-to-agent, machine-to-machine, agent-to-machine, or machine-to-agent. Furthermore, what is clearly needed is system and method that extends the use of an instant message and presence protocol to enable synchronizing of data among members of the communication center team itself and the call center equipment. Such a system and method would economize communication by replacing some of the more complex and traditional telephony software routines, as taught by Philonenko [0017-0018].

Regarding claim 22, Mathis and Philonenko together taught the system of claim 21, as described above. Mathis further teaches wherein said entity application is configured to process the at least one part of the presence information that comprises information identifying said entity application **(a presence service that distributes information on user status – Col. 2, lines 50-51; Each client device 102, 104, 106, 108 includes a contact list 122, 124, 126, 128 (a.k.a. a buddy list) that is identifying one or more of the other client devices connected to the communication network – Col. 3, lines 42-45)**

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Regarding claim 23 list all the same elements of **claims 1 & 21**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claims 1 & 21** applies equally as well to **claim 23**.

Regarding claim 24 list all the same elements of **claims 1 & 21**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claims 1 & 21** applies equally as well to **claim 24**.

Regarding claim 25, Mathis and Philonenko together taught the apparatus of claim 24, as described above. Mathis further teaches wherein said entity application is configured to process the at least one part of the presence information that comprises information identifying said entity application (**a presence service that distributes information on user status – Col. 2, lines 50-51; Each client device 102, 104, 106, 108 includes a contact list 122, 124, 126, 128 (a.k.a. a buddy list) that is identifying one or more of the other client devices connected to the communication network – Col. 3, lines 42-45**)

Regarding claim 27 list all the same elements of **claims 1 & 21**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claims 1 & 21** applies equally as well to **claim 27**.

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Regarding claim 28 list all the same elements of **claims 1 & 21**, but in system form rather than method form. Therefore, the supporting rationale of the rejection to **claims 1 & 21** applies equally as well to **claim 28**

Regarding claim 29, Mathis, Sylvain and Philonenko together taught the apparatus as in claim 23 above. Philonenko further teaches wherein said entity is a user terminal (**In FIG. 5 there are two clients (persons) labeled Client 1 and Client 2. There are four client devices 129, 133, 137, and 125, shown in FIG. 5. Client 1 has a PC 129 at his home, which executes an instance of FPS-SW 131, which is, in this case, AOL. Client 1 also has a PC 137 at his office executing an instance of CPS-SW 195 – [0105]**).

Regarding claim 30, Mathis, Sylvain and Philonenko together taught the apparatus as in claim 23 above. Mathis further teaches wherein the at least one user comprises a presence engine (**A user may connect to an IM server to establish and download presence information – Col. 2, lines 62-65**).

Regarding claim 31, Mathis, Sylvain and Philonenko together taught the apparatus as in claim 23 above. Mathis further teaches wherein said at least one application is configured to register with said presence engine said information identifying said application (**Each client device 102, 104, 106, 108 includes a contact list 122, 124,**

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126, 128 (a.k.a. a buddy list) that is capable of identifying one or more of the other client devices connected to the communication network – Col. 3, lines 42-45).

Regarding claim 32, Mathis, Sylvain and Philonenko together taught the system as in claim 23 above. Mathis further taught wherein at least one of said at least one application and said presence engine is configured to add said identifying information to at least one part of the presence information **(A contact list, associated with each communication device, identifies one or more of the other communication devices – col. 1, lines 59-61).**

Regarding claim 33, Mathis, Sylvain and Philonenko together taught the apparatus as in claim 23 above. Philonenko further teaches wherein said presence information comprises at least one of the following parts of information:

subscriber status; network status; communication means; contact provided location; network provided location; text; priority; favorite color **(FIG. 6 is a plan view of an exemplary agent-side media-interfaces 99 and 101 containing availability status and callback parameters according to an embodiment of the present invention – [0110]).**

Regarding claim 34, Mathis, Sylvain and Philonenko together taught the apparatus as in claim 23 above. Mathis further teaches wherein the system operates in accordance with a session initiation protocol **(SIP – [0100]).**

Regarding claim 35, Mathis, Sylvain and Philonenko together taught the apparatus as in claims 23 above. Mathis further teaches wherein said part of information comprises a tuple **(Fig. 11, unit 1107 – Tuples – [0178])**.

Regarding claim 36, Mathis and Philonenko together taught the apparatus of claim 23, as described above. Mathis further teaches wherein said tuple comprises;

Philonenko further teaches wherein information identifying said user and said application identifying information **(every client subscribing to the system of the present invention is provided with at least an identification parameter (member ID number) – [0146])**.

Regarding claim 37, Mathis, Sylvain and Philonenko together taught as in system as in claim 23 above. Mathis further teaches wherein said at least one entity is configured to receive said at least one part of said information **(Fig. 2, unit 260 – each client device configures itself to receive multicast messages)**.

Regarding claim 38, Mathis, Sylvain and Philonenko together taught the system as in claim 23 above. Mathis further teaches wherein said entity is configured to direct said at least one part of said information to the identified entity application **(Fig. 2, unit 260 -- Fig. 2, unit 260 – each client device configures itself to receive multicast messages send to the multicast addresses)**.

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Regarding claim 39, Mathis, Sylvain and Philonenko together taught the system as in claim 23 above. Mathis further taught wherein at least one of said at least one application and said presence engine is configured to add said identifying information to at least one part of the presence information **(Each client device 102, 104, 106, 108 includes a contact list 122, 124, 126, 128 (a.k.a. a buddy list) that is capable of identifying one or more of the other client devices connected to the communication network – Col. 3, lines 42-45).**

Regarding claim 40, Mathis, Sylvain and Philonenko together taught the apparatus as in claim 23 above. Philonenko further teaches wherein said entity is a user terminal **(In FIG. 5 there are two clients (persons) labeled Client 1 and Client 2. There are four client devices 129, 133, 137, and 125, shown in FIG. 5. Client 1 has a PC 129 at his home, which executes an instance of FPS-SW 131, which is, in this case, AOL. Client 1 also has a PC 137 at his office executing an instance of CPS-SW 195 – [0105]).**

Regarding claims 41, Mathis, Sylvain and Philonenko together taught the server as in claim 24 above. Philonenko further teaches wherein sending request, wherein said receiving comprises said at least one part of said information in response to the request **(Instant messages propagated back and forth between entities can be response notifications based on requests of a principle, or pushed as periodic status change notifications to a monitoring application – [0189]).**

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Regarding claim 42, Mathis, Sylvain and Philonenko together taught the server as in claim 24 above. Philoneko further teaches wherein said presence information comprises at least one of the following parts of information:

subscriber status; network status; communication means; contact provided location; network provided location; text; priority; favorite color (**FIG. 6 is a plan view of an exemplary agent-side media-interfaces 99 and 101 containing availability status and callback parameters according to an embodiment of the present invention – [0110]**).

Regarding claim 43, Mathis, Sylvain and Philonenko together taught the apparatus as in claim 23 above. Mathis further teaches wherein the system operates in accordance with a session initiation protocol (**SIP – [0100]**).

Regarding claim 44, Mathis, Sylvain and Philonenko together taught the apparatus as in claims 23 above. Mathis further teaches wherein said part of information comprises a tuple (**Fig. 11, unit 1107 – Tuples – [0178]**).

Regarding claim 45, Mathis and Philonenko together taught the appratus of claim 23, as described above. Mathis further teaches wherein said tuple comprises;

Philonenko further teaches wherein information identifying said user and said application identifying information (**every client subscribing to the system of the**

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present invention is provided with at least an identification parameter (member ID number) – [0146]).

Regarding claim 46, Mathis, Sylvain and Philonenko together taught the apparatus as in claim 24 above. Philonenko further teaches wherein the apparatus is configured to request only one or more parts of said presence information processed by one or more applications of the apparatus **(Instant messages propagated back and forth between entities can be response notifications based on requests of a principle, or pushed as periodic status change notifications to a monitoring application – [0189]).**

Regarding claim 47, Mathis, Sylvain and Philonenko together taught the server as in claim 24 above. Philonenko further teaches wherein said server comprises a filter to provide only the requested parts of said presence information. **(filtering status information that closely matches a user request – [0056]).**

Regarding claim 48, Mathis, Sylvain and Philonenko together taught the system as in claim 24 above. Philonenko further teaches wherein said filtering unit is provided in at least one of a server **(filtering status information that closely matches a user request – [0056])**, a presence server: and said at least one user **(presence server – [0066]).**

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Regarding claim 49, Mathis, Sylvain and Philonenko together taught the server as in claim 24 above. Philonenko further teaches wherein said server comprises a filter to provide only the requested parts of said presence information. **(filtering status information that closely matches a user request – [0056])**.

Regarding claim 50 list all the same elements of **claims 1 & 21**, but in method form rather than method form. Therefore, the supporting rationale of the rejection to **claims 1 & 21** applies equally as well to **claim 50**.

Regarding claim 51 list all the same elements of **claims 1 & 21**, but in computer readable medium form rather than method form. Therefore, the supporting rationale of the rejection to **claims 1 & 21** applies equally as well to **claim 51**.

Regarding claim 52 list all the same elements of **claims 1 & 21**, but in computer readable medium form rather than method form. Therefore, the supporting rationale of the rejection to **claims 1 & 21** applies equally as well to **claim 52**.

Regarding claim 53, Mathis and Philonenko together taught the system of claim 21, as described above. Mathis further teaches wherein directing said at least one part of said information to the identified entity application information identifying said entity application **(a presence service that distributes information on user status – Col. 2, lines 50-51; Each client device 102, 104, 106, 108 includes a contact list 122, 124,**

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126, 128 (a.k.a. a buddy list) that is identifying one or more of the other client devices connected to the communication network – Col. 3, lines 42-45).

Regarding claims 54, Mathis, Sylvain and Philonenko together taught the server as in claim 21 above. Philonenko further teaches wherein sending request, wherein said receiving comprises said at least one part of said information in response to the request **(Instant messages propagated back and forth between entities can be response notifications based on requests of a principle, or pushed as periodic status change notifications to a monitoring application – [0189])**.

Regarding claim 55, Mathis, Sylvain and Philonenko together taught the server as in claim 21 above. Philoneko further teaches wherein said presence information comprises at least one of the following parts of information:

subscriber status; network status; communication means; contact provided location; network provided location; text; priority; favorite color **(FIG. 5 is a plan view of exemplary agent-side media-interfaces 99 and 101 containing availability status and callback parameters according to an embodiment of the present invention – [0030]; 6, unit 99 and 101)**.

Regarding claims 56, Mathis, Sylvain and Philonenko together taught the server as in claims 21 above. Mathis further teaches wherein said part of information comprises a

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tuple (**Fig. 11, unit 1107 – Tuples – [0178]**).

Regarding claims 57, Mathis and Philonenko together taught the server of claim 21, as described above. Mathis further teaches wherein said tuple comprises; Philonenko further teaches wherein information identifying said user and said application identifying information (**every client subscribing to the system of the present invention is provided with at least an identification parameter (member ID number) – [0146]**).

Regarding claim 58, Mathis, Sylvain and Philonenko together taught the system as in claim 50 above. Mathis further teaches wherein said at least one entity is configured to receive said at least one part of said information (**Fig. 2, unit 260 – each client device configures itself to receive multicast messages**).

Regarding claim 59, Mathis, Sylvain and Philonenko together taught the system as in claim 50 above. Mathis further teaches wherein said entity is configured to direct said at least one part of said information to the identified entity application (**Fig. 2, unit 260 -- Fig. 2, unit 260 – each client device configures itself to receive multicast messages send to the multicast addresses**).

Regarding claims 60, Mathis, Sylvain and Philonenko together taught the server as in claim 21 above. Philonenko further teaches wherein sending request, wherein said receiving comprises said at least one part of said information in response to the request

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(Instant messages propagated back and forth between entities can be response notifications based on requests of a principle, or pushed as periodic status change notifications to a monitoring application – [0189]).

Regarding claim 61, Mathis, Sylvain and Philonenko together taught the server as in claim 21 above. Philoneko further teaches wherein said presence information comprises at least one of the following parts of information:

subscriber status; network status; communication means; contact provided location; network provided location; text; priority; favorite color **(FIG. 5 is a plan view of exemplary agent-side media-interfaces 99 and 101 containing availability status and callback parameters according to an embodiment of the present invention – [0030]; 6, unit 99 and 101).**

Regarding claims 62, Mathis, Sylvain and Philonenko together taught the server as in claims 50 above. Mathis further teaches wherein said part of information comprises a tuple **(Fig. 11, unit 1107 – Tuples – [0178]).**

Regarding claims 63, Mathis and Philonenko together taught the server of claim 50, as described above. Mathis further teaches wherein said tuple comprises; Philonenko further teaches wherein information identifying said user and said application identifying information **(every client subscribing to the system of the present invention is**

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provided with at least an identification parameter (member ID number) – [0146]).

Regarding claims 64, Mathis, Sylvain and Philonenko together taught the server as in claim 50 above. Philonenko further teaches wherein said processor is configured to receive a request from said entity for only one or more parts of said presence information processed by one or more applications of said entity **(FIG. 3 is a flow diagram illustrating client and system procedural steps for practicing communication-center presence reporting according to an embodiment of the present invention – [0030])**.

Regarding claim 65, Mathis, Sylvain and Philonenko together taught the server as in claim 50 above. Philonenko further teaches wherein said server comprises a filter to provide only the requested parts of said presence information. **(filtering status information that closely matches a user request – [0056])**.

Response to Amendment

Applicant's arguments filed on 07/23/2008 have been fully considered but they are not persuasive.

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Applicant Arguments:

Mathis fails to disclose or suggest, "said at least one entity being configured to use said information identifying the application to obtain the at least one part of said presence information for said at least one application," as recited (for example) in claim 1.

Examiner Response:

With respect to applicant argument, it is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.

Mathis discloses wherein each client device 102, 104, 106, 108 includes a contact list 122, 124, 126, 128 (a.k.a. a buddy list) that is identifying one or more of the other client devices connected to the communication network 110. Each contact list 122, 124, 126, 128 may identify none of the client devices 102, 104, 106, 108 or at least one of the client devices connected to the communication network 110. Also, Philonenko further discloses a client may configure as many devices into the system as desired for enabling agent callbacks under a variety of circumstances. Similarly, an agent may subscribe singularly or in a plural sense to specific customer states. In fact, claim 1 states "**plurality of parts** where said at least one application and said at least one entity being configured to use said information to obtain the **at least one part** of said presence information for said at least one entity application" is indefinite and not clear what the term "part" is in reference to. Therefore, Examiner maintains the rejection.

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Applicant Arguments:

There is no disclosure that the presence information includes information which identifies an application for which it is intended. Thus, when a user terminal, for example, receives presence information, the information identifying the application can be used to direct the presence information received to the particular application on the user terminal for which the presence information is intended. This is not disclosed or suggested by Sylvain.

Examiner Response:

With respect to applicant argument, it is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.

Sylvain discloses each registered user may implement filters or rules to control dissemination of their information to subscribers. In the converse, subscribers electing to receive the presence information of others may also establish profiles identifying the users whose presence information is desired and the types of presence information they wish to receive. Accordingly, the presence application 24 will send a SUBSCRIBE message, which includes identification information (SIP ID) of the user or telephony device 16, to the proxy server 28 (step 408), which will forward the SUBSCRIBE message to the presence system 20 (step 410). In response, the presence system 20 will use the SIP ID provided in the SUBSCRIBE message to identify the user or devices for which presence information is requested. In addition to normal processing of the

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event, the switch 14 will recognize that the telephony device 16 has been provisioned to alert the presence service of state changes, and will send a REGISTER message identifying the telephony device 16 (preferably using the SIP ID) and including the current state to the proxy server 28 (step 418), which represents the presence system 20 to the switch 14. The proxy server 28 will then send a REGISTER message to register the new state in association with the identified telephony device 16 with the presence system 20 (step 420). The presence system 20 will then process the state information to create the presence information for the user and send a NOTIFY message, if necessary, to the proxy server 28 to provide the updated presence information (step 422). Mathis further discloses each client device 102, 104, 106, 108 includes a contact list 122, 124, 126, 128 (a.k.a. a buddy list) that is capable of identifying one or more of the other client devices connected to the communication network 110. Each contact list 122, 124, 126, 128 may identify none of the client devices 102, 104, 106, 108 or at least one of the client devices connected to the communication network 110. A particular client device 102, 104, 106, 108 would include a contact list 122, 124, 126, 128 that identifies other client devices. Therefore, Examiner maintain the rejection.

Applicant Arguments:

Accordingly, it can be seen that Sylvian does not remedy the admitted deficiencies of the combination of Mathis and Philonenko with respect to "said at least one entity being configured to use said information identifying the application to obtain the at least one

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part of said presence information for said at least one application," as recited (for example) in claim 1. Thus, the combination of Mathis, Sylvain, and Philonenko fails to disclose this feature, and it is respectfully requested that the rejection of claim 1 be withdrawn.

Examiner Response:

With respect to applicant argument, it is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.

Sylvain discloses a presence system 20 located on the packet-switched network 12 is used to deliver state information, which is derived from user interaction with any number of sources. For example, the switch 14 may be configured to provide the state of the telephony device 16, its location, or a combination thereof, directly or indirectly to the presence system 20. Also, The presence system 20 may be configured by a user device, such as a PC 22, and operates to collect state information for various devices of various users, process the state information to derive presence information, and provide the presence information to presence applications 24, automatically or in response to a request. Each presence application 24 directly or indirectly provides alerts to the associated user based on presence information associated with other users and derived from the presence system 20. Preferably, the presence application 24 subscribes to the presence system 20 and identifies the users whose presence information is desired.

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The presence system 20 will accept these subscriptions as well as register participating users and their associated devices. Therefore, Examiner maintained the rejection.

Applicant Arguments:

Philonenko also fails to disclose that the presence information additionally includes information identifying the application for which the presence information is intended.

Examiner Response:

With respect to applicant argument, it is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.

Philonenko discloses that every client subscribing to the system of the present invention is provided with at least an identification parameter (member ID number). In this way, data obtained and stored from internal and external sources is easily identifiable to a particular client. However, Sylvain discloses each registered user may implement filters or rules to control dissemination of their information to subscribers. In the converse, subscribers electing to receive the presence information of others may also establish profiles identifying the users whose presence information is desired and the types of presence information they wish to receive. Accordingly, the presence application 24 will send a SUBSCRIBE message, which includes identification information (SIP ID) of the user or telephony device 16, to the proxy server 28 (step 408), which will forward the SUBSCRIBE message to the presence system 20 (step 410). In response, the

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presence system 20 will use the SIP ID provided in the SUBSCRIBE message to identify the user or devices for which presence information is requested. In addition to normal processing of the event, the switch 14 will recognize that the telephony device 16 has been provisioned to alert the presence service of state changes, and will send a REGISTER message identifying the telephony device 16 (preferably using the SIP ID) and including the current state to the proxy server 28 (step 418), which represents the presence system 20 to the switch 14. The proxy server 28 will then send a REGISTER message to register the new state in association with the identified telephony device 16 with the presence system 20 (step 420). The presence system 20 will then process the state information to create the presence information for the user and send a NOTIFY message, if necessary, to the proxy server 28 to provide the updated presence information (step 422). Mathis further discloses each client device 102, 104, 106, 108 includes a contact list 122, 124, 126, 128 (a.k.a. a buddy list) that is capable of identifying one or more of the other client devices connected to the communication network 110. Each contact list 122, 124, 126, 128 may identify none of the client devices 102, 104, 106, 108 or at least one of the client devices connected to the communication network 110. A particular client device 102, 104, 106, 108 would include a contact list 122, 124, 126, 128 that identifies other client devices. Therefore, Examiner maintains the rejection.

Conclusion

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Applicant's arguments filed on 01/14/2008 have been fully considered but they are not persuasive. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sulaiman Nooristany whose telephone number is (571) 270-1929. The examiner can normally be reached on M-F from 9 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu, can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

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<http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sulaiman Nooristany 10/20/2008

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446